

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-14 EA-09 EUR-12 NEA-10

CIAE-00 DODE-00 PM-05 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 /127 W

-----011131 130201Z /64

R 122318Z AUG 77

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 4864

UNCLAS SECTION 1 OF 2 USUN 2586

E.O. 11652: N/A

TAGS: PFOR, UN, GW

SUBJECT: AD HOC COMMITTEE ON TAKING OF HOSTAGES

SUMMARY: ALGERIA, USSR, VENEZUELA, POLAND, UK, LESOTHO, SURINAM, TANZANIA, AND SYRIA ADDRESSED COMMITTEE AM AUG. 10, LAST DAY SCHEDULED FOR GENERAL DEBATE. AT CLOSE OF SPEECH BY SYRIA, ACTING CHAIRMAN (NICARAGUA) SUGGESTED THAT PM SESSION BE DEVOTED TO CONSIDERATION OF FRG DRAFT. ALGERIA AND USSR INDICATED THAT THERE WERE SEVERAL COUNTRIES WHICH STILL WISHED TO SPEAK AND THAT THEY SHOULD SPEAK BEFORE COMMITTEE DECIDED ON WHAT TO DO NEXT. THERE WAS NO OBJECTION, PM MEETING WAS CANCELLED. GENERAL DEBATE CONDLUDED AM AUG. 11 AFTER STATEMENTS BY EGYPT, LIBYA, GUINEA, IRAN AND THE US. END SUMMARY.

1. ALGERIA REITERATED FAMILIAR POSITION, NAMELY, THAT TAKING OF HOSTAGES IS A REFLECTION OF MORE SERIOUS PROBLEMS AND THAT ANY CONVENTION WHICH FAILS TO TAKE INTO ACCOUNT REALITIES WILL BE INEFFECTIVE. SAID CONVENTION MUST NOT BE USED TO INTERFERE WITH STRUGGLE OF NATIONAL LIBERATION MOVEMENTS. SAID THERE ARE DIFFERENT TYPES OF HOSTAGES INCLUDING HOSTAGES TAKEN AS REPRISAL FOR A DENIAL OF RIGHTS, HOSTAGES TAKEN BY BANDITS, VOLUNTARY HOSTAGES, AND PEOPLE TAKEN HOSTAGE BY A STATE. SUGGESTED NEXT STEPS MIGHT BE FORE STATES TO UNCLASSIFIED

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TRANSMIT THEIR VIEWS IN WRITING TO THE SECRETARIAT OR FOR THE SECRETARIAT TO APPOINT EXPERTS TO PREPARE A DRAFT CONVENTION.

2. USSR SAID THAT IF ALL STATES ADHERED TO GENEVA CONVENTION, THERE WOULD BE LITTLE PROBLEM WITH TAKING OF HOSTAGES. DEPLORED TAKING OF HOSTAGES BUT SAID CAN'T IGNORE POLITICAL REALITIES. SAID ANY CONVENTION MUST TAKE ACCOUNT OF RIGHTS OF

NATIONAL LIBERATION MOVEMENTS AND ACKNOWLEDGE TERRITORIAL INTEGRITY OF STATES.

3. VENEZUELA URGED COMMITTEE TO EXAMINE THE FRG DRAFT. SAID ANY CONVENTION SHOULD DISTINGUISH STRUGGLES FOR FREEDOM FROM BANDITRY AND SHOULD GUARANTEE THE RIGHT OF ASYLUM.

4. POLAND DEPLOED TAKING OF HOSTAGES BUT REAFFIRMED ITS SUPPORT OF PEOPLES STRUGGLING FOR SELF-DETERMINATION.

5. UK NOTED THAT MAJORITY OF SPEAKERS EXPRESSED WILLINGNESS TO CONSIDER FRG DRAFT. SAID ISSUES OF TERRITORIAL INTEGRITY AND NATIONAL LIBERATION MOVEMENTS CAN BE STUDIED WITHIN CONTEXT OF FRG DRAFT. REJECTED NOTION THAT SOLUTION OF ONE PROBLEM WHICH ALL ACKNOWLEDGE MUST AWAIT SOLUTION OF ALL PROBLEMS.

6. LESOTHO SAID HOSTAGE NEEDED DEFINITION. SAID IT WOULD NOT PROSECUTE OR EXTRADITE A FREEDOM FIGHTER WHO TOOK SMITH AS A HOSTAGE. SAID A STATE SHOULD BE ABLE TO REFUSE TO PROSECUTE OR EXTRADITE IF INDIVIDUAL MOTIVATED BY STRUGGLE FOR SELF-DETERMINATION. SAID THAT CONVENTION SHOULD NOT COVER AREAS COVERED BY OTHER CONVENTIONS.

7. SURINAM MADE BRIEF STATEMENT DEPLORING THE TAKING OF HOSTAGES BUT NOTING POLITICAL DIFFICULTIES IN DRAFTING A
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COMPREHENSIVE CONVENTION.

8. TANZANIA SAID TAKING OF HOSTAGES IS PART OF PROBLEM OF INTERNATIONAL TERRORISM AND SHOULD BE CONSIDERED AT SAME TIME. SAID MOST IMPORTANT ISSUES WAS CAUSES OF TERRORISM, WHICH CERTAIN COUNTRIES WERE UNWILLING TO ACKNOWLEDGE. SAID CAN'T LUMP TERRORISTS AND NATIONAL LIBERATION MOVEMENTS TOGETHER. EXPRESSED WILLINGNESS TO CONSIDER FRG PROPOSAL BUT EMPHASIZED IMPORTANCE OF RECOGNIZING ABILITY OF FREEDOM FIGHTERS TO TAKE CERTAIN PERSONS HOSTAGE AND THE PRINCIPLE OF TERRITORIAL INTEGRITY. ALSO OBJECTED TO COMPULSORY DISPUTE SETTLEMENT ON GROUNDS IT HAS PROVEN INEFFECTIVE IN PAST, AS DEMONSTRATED BY FLAGRANT USE OF RESERVATIONS OF JURISDICTION OF ICJ.

9. SYRIA SAID THAT ANY CONVENTION MUST TAKE INTO CONSIDERATION THE LEGITIMACY OF THE STRUGGLE FOR SELF-DETERMINATION.

10. FOLLOWING THE LAST SPEAKER, ACTING CHAIRMAN (NIC-ARAGUA) NOTED THAT SEVERAL STATES DESIRED TO SPEAK IN GENERAL DEBATE TOMORROW. HE SUGGESTED THAT, CONSISTENT WITH

PREVIOUS AGREEMENT THESE COUNTRIES BE ALLOWED TO MAKE THEIR STATEMENTS TOMORROW AND THAT COMMITTEE BEGIN THIS AFTERNOON TO CONSIDER THE FRG DRAFT. ALGERIA INDICATED THAT IT FELT THERE HAD BEEN NO AGREEMENT ON THE METHOD OF WORK OF THE COMMITTEE FOLLOWING THE GENERAL DEBATE. USSR SAID THAT GENERAL DEBATE SHOULD CONTINUE UNINTERRUPTED. CONSEQUENTLY, CHAIRMAN CANCELLED PM MEETING, SAID FRG DRAFT WOULD BE CONSIDERED FOLLOWING CONCLUSION OF GENERAL DEBATE, AND ADJOURNED MEETING.

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11. AT AM MEETING AUG. 11, COMMITTEE ELECTED BELYAEV (BYELORUSSIA) RAPPROTEUR.

12. EGYPT (BADAWI) SAID THAT ANY CONVENTION SHOULD REFER TO PREVIOUS UN RESOLUTION RELATED TO SELF-DETERMINATION AND THE RIGHTS OF LIBERATION MOVEMENTS. SAID THAT MOTIVE FOR TAKING OF HOSTAGES HAD TO BE CONSIDERED AND THAT TERM HOSTAGE SHOULD BE LIMITED TO SOME PERSON WHO IS UNRELATED TO THE SITUATION THAT OCCASIONED HIS SEIZURE.

13. LIBYA SAID CONVENTION MUST NOT IMPAIR ABILITY OF PERSONS TO STRUGGLE FOR SELF-DETERMINATION AND CALLED FOR A PRECISE DEFINITION OF HOSTAGE. SAID SPEEDY RELEASE OF HOSTAGES HOULD BE ASSURED BUT THAT PRINCIPLE OF TERRITORIAL INTEGRITY MUST BE AFFIRMED.

14. GUINEA CONDEMNED THE TAKING OF HOSTAGES BUT SAID THAT IT WAS UNDERSTANDABLE WHEN RESORTED TO BY PERSONS STRUGGLEING FOR THEIR SELF-DETERMINATION. HE FEARED THAT CERTAIN COUNTRIES MIGHT USE THE DRAFT CONVENTION TO IMPAIR NATIONAL LIBERATION MOVEMENTS.

15. IRAN SUPPORTED THAT FRG DRAFT BUT ADDED THAT IT MUST NOT ADVERSELY AFFECT NATIONAL LIBERATION MOVEMENTS. SAID THAT CONVENTION MUST CONTAIN GUARANTEES OF LEGAL PROCESS AND UNCLASSIFIED

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FAIR TREATMENT FOR ALLEGED OFFENDERS.

16. US (ROSENSTOCK) SAID THAT AMBIGUITY MUST BE AVOIDED IN THE DRAFTING OF CONVENTION DEALING WITH CRIMINAL MATTERS AND THAT PRECEDENTS EXISTED TO ACCOMPLISH THIS. SAID THAT THE CONDUCT OF STATES WAS A PROBLEM THAT HAD SOME RELATION TO THE PROBLEM OF THE TAKING OF HOSTAGES BUT THAT MANY WORLD PROBLEMS WERE INTERRELATED AND THAT WE COULD NOT CONDITION THE SOLUTION OF ONE UPON THE SOLUTION OF ALL OTHERS. POINTED OUT THAT THE GENEVA CONVENTIONS OF 1949 AND THE RECENTLY DRAFTED PROTOCOLS PROHIBITED THE TAKING OF HOSTAGES BY NATIONAL LIBERATION MOVEMENTS AND THAT THEREFORE THE FRG DRAFT WOULD NOT INTEREFERE WITH STRUGGLE OF PEOPLE FOR SELF-DETERMINATION. URGED CONSIDERATION OF FRG DRAFT.

17. FOLLOWING LAST SPEAKER, COMMITTEE ENTERED INTO LENGTHY PROCEDURAL WRANGLE OVER METHOD OF WORK TO FOLLOW GENERAL DEBATE (SEPTTEL).
LEONARD

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Message Attributes

Automatic Decaptioning: X
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Enclosure: n/a
Executive Order: N/A
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Subject: AD HOC COMMITTEE ON TAKING OF HOSTAGES SUMMARY: ALGERIA, USSR, VENEZUELA, POLAND, UK, LESOTHO, SURINAM, TANZANIA, AND SYRIA ADDRESSED COMMITTEE
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